

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Aramark Healthcare Support
Services, LLC,

Plaintiff,

V.

Waukegan Illinois Hospital
Company, LLC,

Defendant.

Case No. 25-CV-6361

Honorable Joan B. Gottschall

ORDER

Before the court is plaintiff's motion for entry of an order of default against defendant Waukegan Illinois Hospital Company, LLC. ECF No. 8. The proof of service of the summons and complaint dated June 11, 2025, consists of a purported process server's affidavit lacking a notary public's seal. *See* ECF No. 7.

The proof of service includes the following proves server’s certification obviously intended to comply with Illinois law: “Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.” *Id.* at 3. This language does not subject the declarant to the penalties of perjury imposed by federal, as opposed to state, law. It does not, therefore, satisfy the requirements for an unsworn declaration admissible in federal court under 28 U.S.C. § 1746. Similar language has been held insufficient to render an unsworn declaration admissible in in federal court. *See, e.g., G&G Closed Cir. Events, LLC v. Castillo*, 2017 WL 1079241, at *7 (N.D. Ill. Mar. 22, 2017); *Trapaga v. Cent. States Joint Bd. Local 10*, 2007 WL 1017855, at *6 (N.D. Ill. Mar. 30, 2007).

Plaintiff's motion for entry of an order of default is denied without prejudice for want of adequate proof of service of the summons and complaint. *See* Fed. R. Civ. P. 4(*l*)(1). If it

wishes, plaintiff may amend its proof of service of the summons and complaint and renew its motion for entry of an order of default.

Date: July 9, 2025

/s/ Joan B. Gottschall
United States District Judge